

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
NOVEMBER 6, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Reverend Joel Barrett, Grace United Methodist Church, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's office)

- 1) One oil painting on canvas by artist Tom Lea entitled *Everybody's Gone to the Wedding*, offered by Kemp Smith, P.C.

Mr. Jack Chapman, Managing Shareholder at Kemp, Smith law firm, introduced Mr. Mark Hedrick, partner at Kemp, Smith, and explained that Mr. Hedrick serves as a member of the Museum of Art's Advisory Board. He stated that the firm was proud to make this donation to the Museum in honor of Mr. Charles Leavell and Mrs. Shirley Leavell. He noted that Mr. Tom Lea was an El Paso icon and gave a brief description of the painting. Mayor Raymond C. Caballero stated that this is a wonderful contribution from the firm and thanked them for their generous contribution.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

Motion made by Representative Medina, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).

Representative Power was not present for the vote.

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of July 31, 2001.

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***RESOLUTION**

WHEREAS, the City of El Paso, Texas ("the City"), and the El Paso Empowerment Zone Corporation have, as of the 1st day of March, 2001, entered into a Grant Agreement to provide for payment to the City of Empowerment Zone funds granted by the U.S. Department of Housing and Urban Development in support of the Land Redevelopment Project within the Empowerment Zone; and

WHEREAS, the Grant Agreement provides that the City, as Grantee, shall perform certain activities and services in furtherance of the purposes of the Grant Agreement, including the "development of a mayoral level Land Redevelopment Project and Task Force" in order to address brownfields issues, beginning in the Empowerment Zone; and

WHEREAS, the Task Force is to be "a multi-disciplinary task force of representatives from key sectors of the community" whose focus will be on economic development, "site identification, site characterization, site assessment and cleanup planning and design for priority sites in the zone"; and

WHEREAS, the City desires to establish the Task Force and to nominate the individuals identified below to serve on the Task Force;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Mayor's Brownfields Redevelopment Task Force be hereby created to assist with the implementation of the El Paso Brownfields Redevelopment Project and to make recommendations to the Mayor with respect to economic development of properties which may potentially be classified as brownfields sites. The recommendations of the Task Force shall include consideration of the following elements:

- a. Site identification.
- b. Site characterization.
- c. Site assessment.
- d. Cleanup planning and design.

2. That the Task Force shall exist for an initial term of one year, subject to continuation upon authorization by the Mayor and Council.

3. That the following individuals be nominated to serve as initial members of the TaskForce:

- | | |
|--------------------|----------------|
| Leslie Ann Allen | Larry González |
| Connie Crawford | Rodolfo Mata |
| Frederic P. Dalbin | Manuel Pérez |
| Ismael Delgado | |

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Lessor's Approval of Sublease between City of El Paso and WJN Corporation pertaining to WJN's Sublease with Leo Lopez III for the WJN Corporation, Sublessor, and Leo Lopez III, Sublessee, for building and hangar space known as 7305 Boeing Drive, El Paso, Texas.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the following Housing Rehabilitation application and funding be approved in the amounts shown below as recommended by the Director of Community and Human Development and that the City Comptroller be authorized to issue checks in the amounts shown below for the approved application:

Application No.:	H01-10-CD/IO/MP-0313	CD Loan:	\$299,599.00
Interest at:	Three percent (3%)	CD Grant	\$194,416.00
Address:	1221 Magoffin Avenue (01)	HOME Grant	\$254,983.00
		Total:	\$748,998.00

AND THAT the Mayor be authorized to sign a Community Development Investor-Owned Financial Terms Contract between the City and the El Paso Coalition for the Homeless, and a Builder's and Mechanic's Lien Contract and Deed of Trust (With Power of Sale) between the City, Ordonez Remodeling, Inc., and the El Paso Coalition for the Homeless, relating to a Community Development Rehabilitation Loan Application No. H01-10-CD/IO/MP-0313.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso approves the participation by the El Paso Fire Department in the Las Palmas Del Sol Sun Bowl Parade to be held on November 22, 2001. The Fire Department will provide the 1948 Mack Fire Engine, the Fire Safety House, a "New" Fire Truck, "Reddy Teddy and "Sparky", and an ambulance (last rig in the parade).

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Agreement between the CITY OF EL PASO and the TEXAS A & M TEXAS-ENGINEERING EXTENSION SERVICE-EMERGENCY SERVICES TRAINING INSTITUTE to provide emergency response training and certification for participating El Paso Firefighters.

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a grant application and related documentation to be submitted to the Texas Natural Resource Conservation commission (TNRCC) on behalf of the El Paso City-County Health and Environmental District. The submission of this application is required, per TNRCC Contract No. 582-2-89438, in order to implement and conduct an Air Monitoring Program in the City of El Paso. The amount of the grant is ONE HUNDRED FORTY SIX THOUSAND, FIVE HUNDRED FORTY FOUR AND 00/100 DOLLARS (\$146,544.00). The cost to the City is a match of FIFTY TWO THOUSAND, SEVEN HUNDRED DOLLARS AND 00/100 (\$52,700.00).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the El Paso City-County Health and Environmental District, Amendment No. 2 to Texas Natural Resource Conservation Commission (TNRCC) Contract No. 582-1-89385, for additional funding of up to SIXTY THREE THOUSAND, SIX HUNDRED FIFTY NINE DOLLARS AND 00/100 (\$63,659.00) for the operation and maintenance of a continuous air monitoring station (CAMS) and two continuous PM10 (TEOM) monitors. There is no cost to the City.

***RESOLUTION**

WHEREAS, the Texas Housing Finance Corporation Act (Tex. Local Govt. Code Ann. §394.001 et. Seq.) authorizes the creation of Housing Finance Corporations, and

WHEREAS, the City of El Paso has approved the incorporation of the El Paso Housing Finance Corporation pursuant to the Texas Housing Finance Corporation Act which incorporation took place on September 10, 1979, and

WHEREAS, the Articles of Incorporation and the Articles of Amendment of the El Paso Housing Finance Corporation provide for appointment of members of the Board of Directors to be appointed by written resolution of the governing body of the City of El Paso, Texas, and

WHEREAS, the Articles of Incorporation were further amended by this Council on September 25, 2001, in order to provide for an additional Director;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Larry Medina is appointed to the Board of Directors of the El Paso Housing Finance Corporation for a six year term to expire September of 2007.

***RESOLUTION**

WHEREAS, in the case styled *In Re: Toys "R" Us Antitrust Litigation* ("the Litigation"), the United States District Court for the Eastern District of New York ("the Court") entered an order on February 17, 2000, giving final approval to all settlements in the case; and

WHEREAS, settlement proceeds from the Litigation allocable to the State of Texas are to be distributed by the Texas State Library and Archives Commission ("the Commission") pursuant to the terms of the Order Approving Texas' Cy Pres Cash Distribution Plan ("Order") issued by the Court in October, 2001; and

WHEREAS, among the Texas Library Systems which are to receive a portion of the settlement proceeds is the Texas Trans Pecos Library System ("TTPLS"); and

WHEREAS, such settlement proceeds "will be used to benefit children by purchasing materials which will provide children with books or other educational materials," which would not otherwise have been purchased with funds from the State; and

WHEREAS, a condition of receiving such proceeds includes certification by the Director of the El Paso Public Library, on behalf of the TTPLS, that the funds will be spent as required in the Court's Order,

that an auditable bookkeeping system will be maintained, and that annual reports to the Legislative Budget Board and the Governor's Office will be provided;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Public Library, on behalf of the Texas Trans Pecos Library System, be authorized to sign the Texas Library System Statement with respect to monies received from the State Library and Archives Commission under the Texas Distribution Plan and the applicable court order for settlement proceeds of the *Toys "R" Us Antitrust Litigation*. The Statement certifies that monies received will be used by the TTPLS to benefit children by purchasing materials which have not previously been funded by the State and that all expenditures otherwise planned for children's materials or programs will not be replaced by such monies received from the Commission.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute an agreement between the City of El Paso and United American Veterans Organization for the Veterans' Day Parade on November 10, 2001, which constitutes an important public purpose of benefit to the City and citizens of El Paso. The Agreement provides that the City will provide the necessary funds to cover the costs of the on-duty police traffic control assistance, not to exceed seventeen (17) on-duty police officers and seventeen (17) vehicles for the parade.

Mayor Raymond C. Caballero asked if the Resolution and the parade request might be discussed simultaneously.

Ms. Carole Hunter, City Clerk, read the Resolution and the parade request into the record. She noted that the parade request was to approve the parade route, the waiver of fees and amplification permit.

Representative Cook noted that by approving the Resolution the City of El Paso would be sponsoring the event.

Representative Sumrall pointed out that the organization has held the Veteran's Day parade for many years and explained that with the current events happening throughout the world, supporting this event was very appropriate.

Representative Cook stated that a Legislative Review Committee meeting would be held which would look at criteria for the City to sponsor parades. Representative Medina asked also that criteria be reviewed regarding "indigency".

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to approve the above Resolution.

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***R E S O L U T I O N**

WHEREAS, the City of El Paso (City) is under obligation by way of collective bargaining to provide certain parking in downtown El Paso for City of El Paso Fire Department employees; towit: at or about the corner of Paisano and Florence in downtown; and,

WHEREAS, for several years, the City has leased a part of Lot 14, Block 146, Campbell Addition in downtown El Paso from Warren Burns to provide said parking; and,

WHEREAS, the current lease expired October 31, 2001 and Mr. Burns has agreed to a new lease on the entire lot reserving one space at the rate of \$1,000.00 per month; and,

WHEREAS, the City desires to enter into the parking lease with Mr. Burns for the benefit of its Fire Department personnel; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is authorized to sign a lease between the City of El Paso (Lessee) and Warren Burns (Lessor), for all of Lot 14, Block 146, Campbell Addition, El Paso, El Paso County, Texas which will be used as parking facilities for City employees' vehicles reserving one space to the owner. The lot is located in the approximate area of Paisano and Campbell Street.

***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A RIGHT OF ENTRY AND TEMPORARY CONSTRUCTION EASEMENT BETWEEN THE CITY AND O2 WIRELESS, INC., A TEXAS COMPANY, TO ALLOW THE TEMPORARY PLACEMENT OF A CRANE ON THE WEST CITY HALL PARKING LOT TO PERFORM WORK ON THE TELECOMMUNICATIONS TOWER ADJACENT TO THE PARKING LOT.

WHEREAS, O2 WIRELESS, INC., (Company) has been employed to accomplish certain improvements to the telecommunications tower located on property adjacent to the city hall parking lot on the West side of City Hall; and,

WHEREAS, in order to accomplish the improvements, it will be necessary for the Company to site a crane on the parking lot; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a Right of Entry and Temporary Construction Easement allowing O2 Wireless, Inc., to place a crane on the West city hall parking lot between 6o'clock p.m. on Friday, November 9, 2001 until midnight, Sunday, November 11, 2001.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Holiday Party
Licensee:	El Paso Bar Association
Date:	December 7, 2001
Time:	5:30 p.m. - 7:30 p.m.
Charge for Space:	\$500.00
Charge for Staff (est.):	\$300.00
Charge for Insurance:	\$40.00
Area(s):	Gallery Lobby

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the execution of the Outgoing Loan Agreement with Fort Concho Historic Site and Museum by the Director of the El Paso Museum of Art or her designee, on behalf of the City of El Paso, be hereby ratified. The Agreement covers an exhibition featuring retablos by various artists and photographs by Max Aguilera-Hellweg, which is scheduled to be on view at the Fort Concho Museum in San Angelo, Texas, from November, 2001, to February, 2002. Shipping expenses and insurance costs are to be paid by the Fort Concho Museum. The Agreement is consistent with the Loan Policy for the El Paso Museum of Art adopted by Resolution of City Council on August 31, 1999, and thereafter amended on February 1, 2000.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001-2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**NORTHEAST RECREATION CENTER
NO. 51510107, 501011**

1. CONTRACTOR: Jana Guillen, Assistant Day Care Instructor, Step 3
DATES: November 5, 2001 thru August 31, 2002
RATES PER HR: \$6.40
CONTRACT NO: 2001/2002-155
2. CONTRACTOR: Beatrice Valdez, Day Care Instructor, Step 2
DATES: October 31, 2001 thru August 31, 2002
RATES PER HR: \$5.60
CONTRACT NO: 2001/2002-156

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**ARMIJO RECREATION CENTER
NO. 51510065, SUB-OBJECT 502214**

1. CONTRACTOR: Marc A. Chavez, Outreach Instructor Dance, Arts, Exercise
DATES: November 6, 2001 thru January 15, 2002
RATE PER CL: \$5.25
MAXIMUM AMT: \$756.00
CONTRACT: 2001/2002-073

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**SAN JUAN RECREATION CENTER
NO. 51510123, SUB-OBJECT 502214**

1. CONTRACTOR: Sergio Uranga, Kickboxing Instructor
 DATES: November 1, 2001 thru January 31, 2002
 RATE PER CL: \$11.85
 MAXIMUM AMT: \$308.10
 CONTRACT: 2001/2002-074

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***R E S O L U T I O N**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

NOW, THEREFORE, BE IT RESOLVED:

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, Subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

Unit 203, Camelot Townhomes #2, Together with an Undivided 1.1448 percent ownership interest in and to the General Common Elements, as described in Volume 1161, Page 1273, Official Public Records of Real Property of El Paso County, Texas. (PID #C019-999-000C-3700)

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*Motion made, seconded and unanimously carried to approve the request to expend \$1,000.00 from District 1 Special Projects Fund to help send five El Paso Firefighters to a Combat Challenge (ESPN) in Memphis by Representative Jan Sumrall.

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the Loma Linda Subdivision Unit One Subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Street Improvements:

Bell Tower Drive - from the west property line of Lot 7, Block 9 to Saul Kleinfeld Drive
Red Sky Court - from the west property line of Lot 10, Block 7 to Sunset Rose Drive
Desert Keep Court - from the west property line of Lot 15, Block 5 to Sunset Rose Drive

Carlos Moran Court - from the north property line of Lot 57, Block 4 to Saul Kleinfeld Drive
 Rosinie Rose Place - from Sunset Rose Drive to the end of cul-de-sac at Lot 28, Block 4
 War Rose Place - from Sunset Rose Drive to Edgemere Boulevard
 Sonia Rose Place - from Sunset Rose Drive to the end of cul-de-sac at Lot 17, Block 4
 Tea Rose Place - from Sunset Rose Drive to the end of cul-de-sac at Lot 6, Block 4
 Yellow Rose Street - from Edgemere Boulevard to the north property line of Lot 16, Block 1
 Sunset Rose Drive - from Yellow Rose Street to Bell Tower Drive
 Edgemere Boulevard - from Harkis Road to Saul Kleinfeld Drive
 Saul Kleinfeld Drive - from Edgemere Boulevard to the north property line at Lot 1, Block9

Drainage Improvements:

Ponding Area - at Lot 58, Block 4; with a 1.59 ac. area and a 20.02 ac-ft capacity; 4-Headwall Structures with Wingwalls; 1504 ft. of 6.0 ft. high Rockwall Fence with 18.0 ft. Double Swing Gates; 250.0 ft. of Concrete Side Walk; 1-Junctin Box/48.0" Manhole; and 93.0 ft. of 24.0" R.C.P.
 15 ft. Drainage Easement - between Lots 54 and 55, Block 4; 135.0 ft. of 24.0" R.C.P.
 15 ft. Drainage Easement - between Lots 5 and 6, Block 4; 147.0 ft. of 24.0" R.C.P.
 Yellow Rose Street - 1-8 Grate Drop Inlet Type I and 84.0 ft. of 24.0" R.C.P.
 Carlos Moran Court - 1-6 Grate Drop Inlet Type I; and 213.0 ft. of 24.0" R.C.P.
 Tea Rose Place - 1-4 Grate Drop Inlet Type I; and 225.0 ft. of 24.0" R.C.P.

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 *Motion made, seconded and unanimously carried to appoint Belen Robles to the History Museum Board to fill an unexpired term as requested by Representative Cobos.

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 *Motion made, seconded and unanimously carried to appoint Alejandro A. Sanchez to the Parks and Recreation Advisory Board by Representative Escobar.

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 *Motion made, seconded and unanimously carried to appoint Alejandro A. Sanchez to the Mayor's Advisory Board on Aging by Representative Escobar.

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 *Motion made, seconded and unanimously carried to appoint Robert Marin to the Mayor's Advisory Board on Aging by Representative Escobar.

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 *Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. McDonald's Corporation, in the amount of \$6,370.83, overpayment of 2000 taxes.
 (PID #C518-999-0040-8600)
- B. Sierra Title, in the amount of \$2,331.09, overpayment of 2000 taxes.
 (PID #P654-999-1280-3500)
- C. First National Acceptance, in the amount of \$1,971.79 overpayment of 2001 taxes.
 (PID #T527-999-0340-1900)
- D. Stewart Title, in the amount of \$1,310.28 overpayment of 2001 taxes.
 (PID #Y805-999-046B-1221)

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 *Motion made, seconded and unanimously carried to award Bid No. 2001-290 Citywide Repair or Construction of Parkway Structures 2001

Contractor: J.A.R. Concrete, Inc.
 El Paso, Texas
 .tems: Base Bid I
 Amount of Award: \$644,564.00

Contractor: Diamond Construction, Inc. Of Las Cruces
 Las Cruces, New Mexico
 Items: Base Bid II
 Amount of Award: \$401,810.00

Department: Street
 Funds Available: 32010200-01101-32000-502227
 31250202-P501195-26035-320001-508027
 04250102-508027
 Funding Source: General Revenue and Capital
 Items: Base Bid I and II
 Total Award: \$1,046,374.00

It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contracts approved by the Deputy Director for Streets, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

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 *Motion made, seconded and unanimously carried to award Bid No. 2001-292 Mesa Terrace Subdivision Street & Drainage Improvements

Contractor: J.A.R. Concrete, Inc.,
 El Paso, Texas
 Department: Community Development

Funds Available: 71150069-G7127CD0011-07635-32003-502304
 Funding Source: CD
 Items: Base Bid I \$537,000.00
 Base Bid II \$126,646.00
 Alternate No. 1 \$142,000.00
 Alternate No. 2 \$ 34,469.00
 Total Award: \$840,115.00

The Purchasing Department recommends the award of this contract to J.A.R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component
 As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-060 PUBLIC WORKS

Public Works proposes to appropriate \$1,000,000 for the following projects: 1. Mechanical Improvements to Wilderness Park Museum-\$150,000 2. Communications Facilities at NE Municipal Annex & Armijo Library-\$150,000 3. Mechanical Retrofit at City Hall-\$700,000.

Increase	\$1,000,000	to	31250102/PPW003200127176/407020	Bond Proc
Increase	\$ 10,000	to	31250102/PPW003200127176/508024	Testing
Increase	\$ 10,000	to	31250102/PPW003200127176/508026	Inspection
Increase	\$ 130,000	to	31250102/PPW003200127176/508027	Construction
Increase	\$ 150,000	to	31250102/PPW003200127176/508035	Comm-Equip
Increase	\$ 700,000	to	31250102/PPW003200127176/507001	Intra-fund Trf
Increase	\$ 700,000	to	31250102/PPW003400427181/407001	Intra-fund Trf
Increase	\$ 700,000	to	31250102/PPW003200127176/508027	Construction

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-062 OMB Recognizing Interest Revenue to cover anticipated data processing costs.

Increase	\$61,000	to	04250101/PMB000113027165/405000	Int Rev
Increase	\$61,000	to	04250101/PMB000113027165/508010	Data Proc Eqp

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-063 OMB Recognizing Interest Revenue to cover anticipated data processing capital costs.

Decrease	\$155,344	from	04250201/PMB000213027203/405000	Int Rev
Decrease	\$155,344	from	04250201/PMB000213027203/508010	Int Rev

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-064 MUSEUM OF ART

Appropriate donated funds for School Services Coordinator.

Increase	\$15,000	to	54154001/G54000607401/405060	Donations
Increase	\$15,000	to	54150078/G54010907234/501011	PT Temp

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-065 MUSEUM OF ART

Appropriate donated funds for the purchase of works of art.

Increase	\$10,000	to	54154001/G54000607401/405060	Donations
Increase	\$10,000	to	54154001/G54000607401/508011	Cultural Works

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 *Motion made, seconded and unanimously carried to approve budget transfer BT2002-068 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication Fees and appropriates money to be used for park construction within the same Park Zone as the development that generated the revenues.

Parkland Dedication Fees are paid by developers based upon City Ordinance.

Increase	\$ 900	to	51159242/P51800011816092/405060	Donations
Increase	\$ 900	to	51159242/P51800011816092/508004	Pub Use Fac
Increase	\$1,440	to	51159242/P51800082516164/405060	Donations
Increase	\$1,440	to	51159242/P51800082516164/508004	Pub Use Fac

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Motion made, seconded and unanimously carried to move to the regular agenda the following parade request:

United American Veterans Organization to hold a Veteran's Day parade on November 10, 2001 from 10:00 a.m to 1:00 p.m. Route: Start at Myrtle & Florence, proceed west to Kansas, turn left on Kansas, proceed on Kansas to Overland, turn right on Overland, proceed on Overland and go one block past Oregon then turn right and proceed to Mills, turn right and proceed on Mills to Kansas, turn right on Kansas one block to Texas, turn left to Florence and disband. Reviewing stand will be at San Jacinto Plaza. Approximately 1,500 persons, 40 automobiles and 10 floats/trolleys will take part and 2,000 spectators are anticipated. This request includes permission to use amplification (amplifier/microphone). PERMIT NO. 01-151

Representative Cook moved to approve the parade request and delete the waiver of fees.

Ms. Carole Hunter, City Clerk, stated the motion would be to approve the parade route and amplification permit without the request to waive the fees. See page 5 of these minutes for additional comments.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to approve the request of United American Veterans Organization to hold a Veteran's Day parade on November 10, 2001 from 10:00 a.m to 1:00 p.m. Route: Start at Myrtle & Florence, proceed west to Kansas, turn left on Kansas, proceed on Kansas to Overland, turn right on Overland, proceed on Overland and go one block past Oregon then turn right and proceed to Mills, turn right and proceed on Mills to Kansas, turn right on Kansas one block to Texas, turn left to Florence and disband. Reviewing stand will be at San Jacinto Plaza. Approximately 1,500 persons, 40 automobiles and 10 floats/trolleys will take part and 2,000 spectators are anticipated. This request includes permission to use amplification (amplifier/microphone). City co-sponsored the event. PERMIT NO. 01-151

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*Motion made, seconded and unanimously carried to approve the request of Benavidez/Patterson All Airborne Chapter to hold an 8k run/5k walk on November 18, 2001 from 9:00 a.m. to 10:00 a.m. Route: Start at Marwood Park, right on Riverbend, left on Sunset, right on Vista Del Monte, right on Meadowlark, left on Linda, left on Vista Del Monte, left on Sunset, right on River Bend, left back Into Marwood Park for the finish. Approximately 300 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (small PA system & DJ with sound system). PERMIT NO. 01-153

.....
*Motion made, seconded and unanimously carried to postpone one (1) week the Public Hearing regarding an Ordinance changing the zoning of a portion of Lot 3, Block 55, Rangers Rest Subdivision Unit One, City of El Paso, El Paso County, Texas (1015 North Zaragoza Road) from R-4 (Residential) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Omar Gonzalez, M.D. / Representative: Jose M. Rubio, 651 Tepic, El Paso, TX 79912, ZC-00085

.....
*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of Lots 1 and 2, Block 2, VALLE HERMOSO, El Paso, El Paso County, Texas (126 Snelson Drive) from R-4 (Residential) and A-2 (Apartment) to C-2 (Commercial) and imposing certain conditions, the penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Dr. Armando Beltran / Representative: Fermin Dorado, Dorado Engineering, Inc., 2310 Montana, El Paso, TX 79903. ZC-01040
THIS IS AN APPEAL CASE.

*Motion made, seconded and unanimously carried to postpone four (4) weeks an Ordinance granting Special Permit No. SU-01013 to allow for a parking reduction on Parcel 1, described as the North 6 Feet of Lot 6, all of Lot 7 and the South 18 Feet of Lot 8, Block 46, ALEXANDER ADDITION, El Paso, El Paso County, Texas (1515 North Mesa Street); and to satisfy parking requirements by allowing off-site, off-street parking on Parcel 2, described as Lots 11-20, Block 46, ALEXANDER ADDITION (1500 Block of North Oregon Street,) pursuant to Sections 20.64.175 and 20.52.060.D (Zoning) of the El Paso Municipal Code, the penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: S-D (Special Development). Applicant/Representative: Arthur L. Ramirez, M.D., 1810 Murchison, Ste. 304, El Paso, TX 79902.

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. SU-01015 TO ALLOW FOR A PARKING REDUCTION ON PARCEL 1, DESCRIBED AS A PORTION OF LOT 11, BLOCK 10, LOMAS DEL REY REPLAT, EL PASO, EL PASO COUNTY, TEXAS (4808 NORTH MESA STREET); AND TO ALLOW OFF-SITE, OFF-STREET PARKING ON PARCEL 2, DESCRIBED AS LOTS 8, 9, AND A PORTION OF LOT 10, BLOCK 10, LOMAS DEL REY REPLAT, EL PASO, EL PASO COUNTY, TEXAS (109 EAST CASTELLANO DRIVE), TO SATISFY PARKING REQUIREMENTS, PURSUANT TO SECTIONS 20.64.175 AND 20.36.040.K, RESPECTIVELY, THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

1502

ORDINANCE NO. 14966

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 2, BLOCK 9, LAFAYETTE PLACE, EL PASO, EL PASO COUNTY, TEXAS (8021 NORTH LOOP DRIVE) FROM R-3 (RESIDENTIAL) TO C-1 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Sariñana, seconded by Representative Escobar that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE NO. 14967

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 9 (HEALTH & SAFETY), CHAPTER 9.12 (FOOD AND FOOD HANDLING ESTABLISHMENTS) TO INCLUDE SECTION 9.12.340 (GROUND MEAT ADVISORY). THE PENALTY BEING AS PROVIDED IN SECTION 9.12.890 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall explained that she does not like the City legislating how an individual conducts their life or what they eat. She thought that decision should be left to the individual.

Mayor Raymond C. Caballero understood that the City was only complying with federal law.

Mr. David Sublasky, Program Manager, City-County Health Department, explained the City adopted the State laws in September 2000; however, not everyone is aware of the dangers involved when consuming certain undercooked items. He noted that the Advisory notice would be posted and would advise the public as to the consumption of raw products. He remarked that the Advisory would not prevent the restaurant patron from ordering an item, but would provide some type of protection for the restaurant owner in case a patron may become ill. He explained that the emphasis on ground meat was due to e-coli 15787.

Representative Sumrall suggested that more restaurant inspections be done.

There being no other public comment, the vote was taken.

Motion duly made by Representative Sumrall, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to postpone two (2) weeks an Ordinance providing for the taxation of motor vehicles leased for personal use.

Representative Sariñana asked whether an Ordinance already existed regarding the taxation of motor vehicles leased for personal use.

Mr. Bill Chapman, Chief Financial Officer, explained that new State legislature requires the City to pass an Ordinance in order to continue the taxation of the vehicles.

Representative Cobos read information he received with his backup documents for public information. The information stated "to continue taxing non-income producing leased vehicles" . . . He wondered why a list of vehicles, provided by the Central Appraisal District, did not distinguish between income producing and non-income producing purposes.

Mr. Chapman explained that the list was the total amount of leased vehicles and that the list he had provided totals the amount of revenue that the City may lose. He noted that the dollar amount of leased vehicles totals approximately \$77 million dollars.

Representative Sariñana thought that the leased vehicle monies were financing the Sun Bowl parade.

Ms. Rita Rodriguez, City Attorney, explained that that was a separate issue.

Mr. Chapman responded what Representative Sariñana was referring to was "car rental tax"; however, this issue refers to property tax.

Representative Medina defined "leased vehicle for personal use" as an individual leasing a vehicle for personal use. He questioned what entity would he have to report this information to and whether purchasing a vehicle would require reporting ad valorem taxes. He summarized by stating that an individual not only pays sales tax on a leased vehicle but are also required to include the leased vehicle as part of the individuals private property tax.

Mr. Chapman explained that the CAD maintains those records and stated an exception for ad valorem taxes exists when purchasing a vehicle. He did mention; however, that sales taxes are included in the purchase of a vehicle. He stated that this Ordinance would continue the current law that states that non-income producing leased vehicles would need to be exempt from tax.

Ms. Rodriguez explained that on a true leased vehicle an individual does not pay sales tax; however, in some leases there are "balloon payments". A balloon payment would be included when an individual purchases a leased vehicle.

Mr. Charlie McNabb, Chief Administrative Officer, explained what a "deferred sale" was and explained that this was not what was on the Agenda for discussion. He asked that the item be postponed so that questions may be addressed.

Mr. Juan Sandoval, Tax Assessor Collector, explained that the City is trying to expand its tax base rather than to diminish it.

.....

ORDINANCE NO. 14968

The City Clerk read an Ordinance entitled: **AN ORDINANCE PROVIDING FOR PAYMENT OF FEES AND OTHER COSTS BY CREDIT CARD.**

Representative Medina asked for an elaboration.

Mr. Bill Chapman, Chief Financial Officer, stated that this Ordinance would allow the City to accept credit cards for all payments. There is no cost to the City except for purchasing the card readers. The convenience fee is passed on to the consumer.

Motion duly made by Representative Cobos, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
ORDINANCE 14969

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8064 (THE CLASSIFICATION AND COMPENSATION PLAN) TO CREATE THE CLASS OF ZOO EDUCATION CURATOR**

Representative Sumrall stated that this was an excellent idea and that the future of the zoo depends on educating the public, especially young children.

Motion duly made by Representative Sumrall, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure

located on the property at 4929 Wichita Circle, in El Paso, Texas, which property is more particularly described as follows:

Lot: 2114, Block 86, Mountain View Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 1 Page 6 Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; and

WHEREAS, Jose De La Luz Perez and Rosenda R. Perez, record Owners, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on September 4th, 2001; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can be repaired.
1. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Building be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for November 6th, 2001, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and

4. That said Owners shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
7. That upon failure of the Owners, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

Mr. Thomas Maguire, Building Services Department, presented the case to Council Members and gave the Department's recommendation(s).

Representative Cook expressed his concern regarding the imposition of the penalties on properties and asked whether it might be possible to post Public Notice and give the property owner(s) seven (7) days to clean the property. However, if the property owner does not clean the property then City staff would do the necessary work and the appropriate City Department would place a sanitation lien on the property. Mr. Maguire explained the difference between sanitation lien and civil penalty. He also explained the progressive stages regarding condemning a property and the amount of time given to property owners during each stage of the condemnation process.

Representative Sariñana agreed with Representative Cook's comments and asked that a Legislative Review Committee meeting be held to discuss policy and procedure regarding condemnations, assessing penalties, etc.

Mr. Edward Hernandez, attorney with Delgado Acosta Spencer Linebarger Heard & Perez, LLP, explained that the value of this property, for the year 2000, was \$46,559.00. He stated that it should be noted that the record property owners were deceased but that the firm was attempting to locate the heirs.

Representative Power asked if a lien had been placed on the property for the non-payment of back taxes.

Mr. Hernandez responded yes, subject to any liens.

Representative Cobos asked whether a City policy exists where the City might assume ownership of these unsightly properties and perhaps sell them back to the public.

Mr. Charlie McNabb, Chief Administrative Officer, interjected and explained that a previous City Council had asked the same question(s). It was at this time that problems did arise such as asbestos in the buildings that were scheduled for demolition. The City Council decided that the City would assess civil penalties to encourage the property owners to comply with the Council Resolution. This action also placed the burden of demolishing the building on the property owner to include securing the property, removing asbestos, etc. He noted that due to the complexity of the issues he recommended holding a Legislative Review meeting.

Mr. Terry Williams, Deputy Director of Building Services, reminded Council Members that the Building and Zoning Advisory Committee is considering a revision to the Condemnation Chapter of the City Municipal Code. He stated that a Legislative Review Committee meeting would be scheduled for further discussion/revision.

Motion made Representative Rodriguez, seconded by Representative Sumrall and unanimously carried to accept the Department's recommendation(s) and approve the above resolution.

.....
*Motion made, seconded and unanimously carried to postpone four (4) weeks the Public hearing to determine if the Council Resolution of September 12, 2001, for the property located at 3118 E. Missouri Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owner of this property, Soledad Munoz, 3118 E. Missouri Avenue, has been notified of the violations at this property.
.....

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to postpone one (1) week the Public hearing to determine if the Council Resolution of September 12, 2001, for the property located at 2506 San Jose Avenue, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owners of this property, Herminio & Rose Marie B. Arteaga, 2506 San Jose Avenue, have been notified of the violations at this property.

Mr. Thomas Maguire, Building Services Department, gave the Department's recommendation(s).

Representative Cook questioned the amount of time allowed to the property owner to demolish the structure, whether it was 30 or seven days.

Mr. Reginald Bussey, Assistant City Attorney, explained that it would be necessary for him to review the documents in order to provide the correct answer.

Ms. Rita Rodriguez, City Attorney, explained that under the condemnation laws the City must give the property owner(s) 30 days.

Representative Cook stated that he was addressing the issue of cleaning the property.

Ms. Rodriguez reiterated that cleaning the property and assessing a sanitation lien were different issues.

Representative Cook asked whether the City was going to pursue cleaning the property and also placing sanitation lien on the property.

Mr. Charlie McNabb, Chief Administrative Officer, stated that he would speak with the Solid Waste Department Director on the matter.

Representative Cook explained that Council condemns the properties and sanitation liens are placed on properties; however, the property is a continual eyesore and a safety hazard.

Mayor Raymond C. Caballero commended Mr. Maguire and his staff for their persistence regarding these properties. He asked how long this particular property has been a problem.

Mr. Maguire responded years and added that these properties might be taken over by the City and that federal monies might be utilized in the rehabilitation of them.

Mayor Caballero asked that Mr. Maguire meet with the Community Development Director and/or the Housing Authority regarding the possibility of rehabilitating these old homes in the Central area of the City.

Representative Power urged Mr. Maguire to speak with organizations in the private sector that are very well versed in issues regarding rehabilitating homes, acquiring monies, etc.

Mr. McNabb reiterated that these issues being discussed might be better addressed during a Legislative Review Committee meeting.

Representative Cobos asked Ms. Debbie Hamlyn, Director of Community & Human Development, whether there was funding under "CHODO" to build houses in vacant lots.

Ms. Hamlyn stated that the Community Development Department holds a contest twice yearly where individuals can apply for home monies to construct homes on vacant lots, to include monies to purchase the lot, etc.

Representative Rodriguez asked for the item to be postponed one week.

Mr. Maguire stated that there is a list of properties recommended for investigation in his office. He would make this list available for individuals interested in purchasing the properties for rehabilitation.

.....
Motion made by Representative Cook, seconded by Representative Power and unanimously carried to postpone four (4) weeks the discussion and action regarding bike lane on Piedras St. that has affected parking for patrons of small businesses along Piedras. (Antonio Castro)

Mr. Jose Castro, son of business owner, Antonio Castro, explained that the bike lane has affected his father's business in that the bike lane has replaced the parking spaces in front of his father's business and asked if there was some way to remedy this.

Representative Sumrall asked whether the construction of the bike lane was thoroughly thought out, especially in business areas. She asked whether consideration was given to business owners and their need for parking spaces in the front of their businesses.

Mr. Daryl Cole, Deputy Director for Streets, addressed Representative Sumrall's question and stated that Piedras was investigated regarding ample parking in the area, as well as the resurfacing project on Piedras,

the addition of turn lanes, etc. He noted that there is no parking on Piedras Street between Grant and Fort Blvd, other than angle parking and side street parking.

Mr. Castro explained that members of the disabled community have had to drive around the block to find a parking space.

Mayor Raymond C. Caballero asked Mr. Castro for ideas.

Mr. Castro responded that in San Diego parking lanes are provided for the vehicles at the curb line and outside the parking lane is the bike lane. He stated that Piedras was not a good choice for a bicycle lane.

Mr. Cole explained that in 1997 the MPO (Metropolitan Planning Office), Street Department and a local consultant conducted a study. These entities discussed the 20/20 and 20/25 Thoroughfare Plan and specific arterials were identified as bike lanes.

Mayor Raymond C. Caballero stated that there were few choices.

Representative Rodriguez explained that constituents have approached her with concerns regarding Piedras such as entering Piedras and the street being so narrow, etc.

Ms. Nina Gomez, owner of Studio Metropolis, 2308 Piedras, explained that she is the only school in this area. She purchased her building in 1988 and instructs 60 students, half of which are children. She explained that the mothers of the dancers stay and watch the class and have encountered problems with a lack of parking. She stated that she was never notified of the change in parking.

Mayor Caballero questioned the possibility of asking bicyclists and business owners their opinions of the bike lane and take photographs of the bike lane.

Mr. Cole stated yes he would do fact finding at the Mayor's request.

Representative Cook asked Mr. Cole to look at the possibility of making Piedras a one-way street with Copia Street being one direction and Piedras the other direction.

Representative Escobar stated that there are some streets in El Paso that should not have a bike lane, such as Zaragoza Road, which creates safety hazards. He asked Mr. Cole to study this issue carefully and come back to Council with a recommendation that accommodates both the business owners and the bicyclists. He stated he was of the opinion that the bike lanes should be moved to streets that have less traffic.

.....
Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to delete the discussion on adoption of Phase II, Internal Actions, of the City's Strategic Statement, and authorizing the Planning, Research & Development Department to finalize a report on the adopted strategic framework.

Representative Sumrall asked that the item be postponed until she and other Council Members have the opportunity to view the presentation.

Representative Rodriguez asked Ms. Patricia Aauto, Director of Planning, the difference between paperwork she had received at an earlier date and the paperwork she had received this morning.

Ms. Aauto explained that the document presented to Council Members on October 26, 2001 identified the project itself and the revised document provided this morning contained edit changes, the text of the document remained the same.

Representative Power stated that this must be “professionally done” in order to have the most economic impact.

Mr. Byron Johnson, Director of Purchasing, suggested directing the CVB to send out a Request for Information.

Representative Power thanked Mr. Johnson for his suggestion.

Mr. Charles Meeks, Director of Convention and Visitors Bureau, commented on the relationship his Department has established with the El Paso Connection and other entities.

.....
A Public Hearing was held regarding Bid No. 2002-005 Del Norte Acres Neighborhood Improvements

Public Hearing to determine responsibility of low bidders in regards to Bid No. 2002-005, Del Norte Acre Neighborhood Improvements

Motion made, seconded and unanimously carried to close the Public Hearing regarding Bid No. 2002-005 Del Norte Acres Neighborhood Improvements

Public Hearing to determine responsibility of low bidders in regards to Bid No. 2002-005, Del Norte Acre Neighborhood Improvements

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Representative Sumrall asked if a representative from Silverton was present.

Mr. Byron Johnson, Director of Purchasing, stated that this item was on the Agenda at the request of Council Members and that the Purchasing Department has notified the low bidder, Silverton Construction, and the second low bidder, JAR, to be present at the Council meeting today.

Mr. Mike Whitney, Silverton Construction, was present to answer questions.

Representative Sumrall explained that Silverton Construction and JAR Construction are both excellent companies. She stated that in this particular case, she was not in favor of removing the low bidder from receiving the award for the contract. She suggested that the City advertise a new RFP for this project.

Ms. Rita Rodriguez, City Attorney, stated that Council Members have two options: 1). Award the contract to the lowest responsive, responsible bidder; or 2). Reject all bids.

Representative Sumrall made the motion to award the contract to Silverton Construction.

Representative Sariñana made comments regarding street resurfacing and made the motion to award this project to the second lowest responsive, responsible bidder, JAR. Representative Medina seconded this Motion.

Representative Cook asked for clarification from Ms. Rodriguez.

Ms. Rodriguez responded that Council Members must make a finding that the lowest bidder is not a responsible bidder. This finding occurs through a Public Hearing wherein comments from the public, the contractor(s) and any other individuals are heard. She went on to state that if Council Members make the

determination that the lowest responsible bidder is responsible then Council Members can award the contract; however, if it is determined that the lowest responsible bidder is not responsible then the award is given to the next lowest responsive responsible bidder or reject all bids and have the item bid again.

Mr. Daryl Cole, Deputy Director for Streets, stated that the Street Department had provided a "punch list" to the company and they had made the appropriate corrections.

Mayor Raymond C. Caballero asked Ms. Rodriguez whether Representative Sariñana's Motion was acceptable to which Ms. Rodriguez stated yes.

Mr. Cole commented on Silverton Construction and the Street Resurfacing Project for Year 2000.

Representative Sariñana defined street resurfacing as "covering all patches, potholes, to seal all cracks and make the street look better".

Mr. Cole explained the items on the "punch list" for Representative Sariñana's information.

Representative Power questioned whether Silverton had been provided numerous "punch lists". He also questioned the reliability of the contractor.

Mayor Raymond C. Caballero asked whether there was anything unusual about the work done by Silverton Construction.

Mr. Cole responded no and added further comments on street resurfacing, pavement and other issues pertaining to street resurfacing.

.....
Motion made by Representative Sariñana, seconded by Representative Medina and carried that Silverton Construction Company, Inc., is found to be not responsible and to award Bid No. 2002-005- Del Norte Acres Neighborhood Improvements to the next responsible, responsive bidder J.A.R. Concrete, Inc.

Department:	Community Development
Funds available:	71150069-G7127CD0010-32002-508027
Funding source:	CD
Base Bid I:	\$622,970.00
Base Bid II	\$ 3,300.00
Total Award:	\$626,270.00

The Purchasing Department recommends the award of this contract to Silverton Construction Company, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

DESCRIPTION OR EXPLANATION:

Base Bid I:	\$618,067.00
Base Bid II	\$ 2,000.00
Total Award:	\$620,067.00

Total Recommended Award:	\$620,067.00
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Representative Sumrall and Representative Cook voted Nay.
Representative Rodriguez, Representative Medina, Representative Power, Representative Escobar,
Representative Sariñana and Representative Cobos voted Aye.

This item was vetoed by Mayor Raymond C. Caballero on Saturday, November 10, 2001.

**CITY OF EL PASO
STATE OF TEXAS**

VETO

**To: The Honorable Carole Hunter, City Clerk and
Members of City Council**

**Subject: Item #17, Tuesday, November 6, 2001 city council
Agenda, Bid No. 2002-005, Del Norte Acres Neighborhood
Improvements, Silverton Construction Company, Inc., El Paso,
Texas.**

**On this day, pursuant to the powers vested in the mayor by the City Charter, I
Hereby veto the referenced action of Council for the following reason:**

**Council's action awarded the above bid to JAR Construction. JAR
Construction has now indicated to council that it wishes to withdraw its
bid. Furthermore, this veto is cast to avoid confusion as it appears that
several members of council wish to reconsider their vote and desire to
avoid a possible delay of the project in question.**

This veto is filed in a timely manner with the office of the City Clerk.

Signed this 10th day of November, 2001.

**s/s/ Raymond C. Caballero
Raymond C. Caballero
Mayor**

ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to delete the Resolution that Mayor be authorized to sign Consulting Services Agreements with Dr. William C. Griggs and Dr. Bonnie Sachatello-Sawyer to provide consulting services with respect to the development of the interpretive plan for the El Paso Museum of History. Funding for the Agreements will come from a consultation grant received from the National Endowment for the Humanities, which will cover all of the transportation and subsistence costs, as well as the \$800.00 in consulting fees for each of the consultants.

.....
***RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A UTILITIES RELOCATION AGREEMENT BETWEEN THE CITY AND MCI WORLDCOM NETWORK SERVICES, INC., FOR RELOCATION OF TELECOMMUNICATIONS FACILITIES AS A PART OF THE COTTON STREET OVERPASS RECONSTRUCTION PROJECT.

WHEREAS, the Texas Department of Transportation ("TxDOT") and the City of El Paso ("City") entered into an agreement wherein TxDOT is reconstructing that certain Union Pacific railroad street overpass in El Paso known as the Cotton Street Overpass; and,

WHEREAS, as a part of the cost share agreement with TxDOT, the City agreed to pay costs associated with the removal, relocation or adjustments of existing utilities located in the Union Pacific railroad right of way and necessitated by the reconstruction of the street overpass; and,

WHEREAS, MCI WORLDCOM Network Services, Inc., has certain facilities requiring protection or relocation along, over and/or under the Union Pacific railroad right of way as a result of the reconstruction of the overpass; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is hereby authorized to sign a utilities Relocation Agreement between the City and MCI WORLDCOM Network Services, Inc., for the relocation of telecommunications facilities as a part of the Cotton Street Overpass Reconstruction Project. The Mayor is also authorized to make any budget transfers and sign any other documentation necessary to accomplish the intent of this Resolution.

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*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A.** Fire Fighter Trainee (35)
- B.** Recreation Leader I
- C.** Recreation Leader III

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*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Fire

Delete	1.0	ARFF Supervisor	C3
Add	1.0	Fire Suppression Tech	F2

.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for Parks & Recreation

Add	1.0	Accounting Clerk	GS16
Delete	1.0	Aquatics Support Clerk	GS16

*Motion made, seconded and unanimously carried to approve the request to expend One Thousand Two Hundred Ten Dollars (\$1,210.00) from District 4 Special Projects Fund to help send five (5) El Paso Firefighters to a combat challenge (ESPN) in Memphis by Representative John Cook.

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Motion made by Representative Sumrall, seconded by Representative Medina and unanimously carried to eliminate the meetings of the Legislative Review Committee as a Whole on Monday mornings, except for November 19, 2001, by Representative John Cook.

Representative Sariñana explained that children from the YISD would be attending the Legislative Review Meeting on November 19, as part of their government class.

Representative Rodriguez suggested that Council Members email their questions and/or concerns to each other. Ms. Rita Rodriguez, City Attorney, cautioned not to deliberate through the email system. She asked that the Legislative Review meeting be held in City Council chambers for the YISD students.

Ms. Carole Hunter, City Clerk, asked Council Members to forward any revisions to the City Clerk's office.

Representative Medina asked that Council Members continue to keep their Monday morning schedule's open in the case of an emergency meeting, Legislative Review Committee meetings, etc.

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Motion made by Representative Sariñana, seconded by Representative Rodriguez and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

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Motion made by Representative Medina, seconded by Representative Cook and carried that the employment contract with **LARRY LINKIN** be terminated for convenience.

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Motion made by Representative Cook, seconded by Representative Sarinaña and unanimously carried to adjourn this meeting.

APPROVED AS TO CONTENT:



Carole Hunter, City Clerk

APPROVED AS TO FORM:



Rita Rodriguez, City Attorney

